

# **EXHIBIT E**

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Attorneys for Defendant BRP-ROTAx GmbH & Co. KG f/k/a BOMBARDIER-ROTAx GmbH & Co. KG

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THERESA MARIE SIMEONE et al.,

Plaintiffs,

v.

Bombardier -Rotax GmbH, et al.,

Defendants.

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

JULY TERM, 2002

NO.: 002746

Josef Fürlinger, being duly sworn according to law upon his oath deposes and says:

1. I am the Director for New Business Development for BRP-Rotax GmbH & Co. KG, f/k/a ("Rotax"). As such, I am familiar with Rotax's activities and general business practices.

2. I make this Affidavit in support of Rotax's Motion to determine preliminary objections and have personal knowledge of the facts set forth herein.

3. Rotax is an Austrian corporation, organized under the laws of Austria, with principal place of business located at Gunskirchen, Austria.

4. Rotax designs and manufactures engines for, among other things, small aircrafts including ultralight aircrafts.

5. Rotax does not sell or ship those engines to customers inside the United States. Rotax sells engines ex-works in Austria.

6. Kodiak Research, Ltd. (hereinafter referred to as "Kodiak"), a separate, independently owned and operated company, located in Nassau, Bahamas, is the authorized distributor for Rotax aircraft engines in North, South and Central America. After selling the ex-works engines to Kodiak, Rotax does not know the destination of any particular engine or exercise any control over the engine.

7. Rotax is not authorized or licensed to do business in Pennsylvania or the United States.

8. Rotax has no agents located in the Commonwealth of Pennsylvania and has never been authorized, licensed or registered to conduct business in the Commonwealth of Pennsylvania.

9. Rotax has no office, warehouse, or other facility in the Commonwealth of Pennsylvania.

10. Rotax does not sell goods in Pennsylvania.

11. Rotax has never had a registered agent in the Commonwealth of Pennsylvania and does not maintain an agent for service of process in Pennsylvania.

12. Rotax derives no income from business conducted in the Commonwealth of Pennsylvania, does not purchase any goods in Pennsylvania and pays no taxes in Pennsylvania.

13. Rotax has never entered into any contract in Pennsylvania nor performed under any contract in the Commonwealth of Pennsylvania.

14. Rotax has never performed services on behalf of any Pennsylvania company or resident and has never performed any services in Pennsylvania.

15. Rotax has never engaged in solicitation of customers or advertising directed to Pennsylvania and maintains no telephone service, bank accounts or credit line in Pennsylvania.

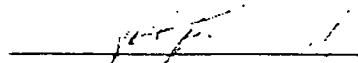
16. Rotax has not designed or manufactured a particular engine specifically for use in Pennsylvania.

17. None of Rotax's officers, directors, agents or employees reside in the Commonwealth of Pennsylvania and no business decisions are made in Pennsylvania.

18. Rotax has no interest in any real property located in the Commonwealth of Pennsylvania and does not have any office, warehouse, garage or other facility in Pennsylvania.

19. Rotax is not involved in any partnership or joint venture located in or doing business in the Commonwealth of Pennsylvania.

20. I certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

  
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Josef Furlinger

DATED: December 22, 2004